

**REMARKS****I. Status of the Claims:**

Claims 1-23 are pending in the application.

By this Amendment, claims 2 and 3 have been canceled without prejudice or disclaimer and claims 1, 12 and 20 have been amended. No new matter has been introduced by this Amendment.

Upon entry of this Amendment, claims 1 and 4-23 would be pending.

**II. Response To Objections To The Claim**

The Examiner has objected to claims 12 and 20 for containing informalities. Specifically, the Examiner states that “‘measuring the same position’ is unclear because outside the region of the object to be exposed and the region to be exposed cannot be the same.” Applicant respectfully disagrees that the disputed language is indefinite, i.e., “the same positions as . . . .” The language “same” refers to the measurement positions and not the regions. For example, the same positions may be measured for different regions (e.g., regions outside the region to be exposed versus the region to be exposed). Thus, Applicant respectfully submits that claims 12 and 20 are definite. Accordingly, reconsideration and withdrawal of the objections to claims 12 and 20 are respectfully requested.

**III. Rejections Under 35 U.S.C. §§102 and 103:**

Claims 1, 11, 12 and 20-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Kubo (U.S. Patent No. 6,476,904, hereafter “Kubo”). Claims 2-10, 13-19 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kubo in view of Ina (U.S.

Patent Application Publication No. 2003/0193655, hereafter "Ina"). Applicant respectfully traverses the rejection of these claims, for the reasons set forth below.

Claims 1, 12 and 20 have been amended to incorporate the subject matter of dependent claims 2 and 3.

As to the prior art rejection, Applicant is currently preparing a certified English translation of the Japanese priority document JP 2003-070196 with a priority date of March 14, 2003, and will file this translation shortly to perfect the claim to foreign priority in the present application. Since the foreign priority date (March 14, 2003) of the present application is earlier than the filing date of Ina (March 21, 2003), the Ina reference is not believed to be prior art.

Accordingly, claims 1, 12, 19 and 20 and their dependent claims are believed to be allowable over the cited references.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5336.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-5336.

Respectfully submitted,  
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